

HOUSE BILL 716  
By Montgomery

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 14; and Title 39, Chapter 17, relative to the use of rented or leased property for certain purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 17, Part 4, is amended by adding the following new section:

Section 39-17-4\_\_.

(a)

(1) It is an offense to rent or lease a dwelling or place of public lodging with the intent to manufacture, compound, convert, produce, process, prepare, store, contain or conceal an illegal controlled substance in such dwelling or lodging or on the premises of such dwelling or lodging without the knowledge and effective consent of the owner or manager of the dwelling or lodging that the defendant intended to use or used such dwelling or lodging for such purposes.

(2) For purposes of this section, "dwelling or place of public lodging" shall include a house, apartment, duplex, manufactured home, hotel, inn, tourist camp, tourist court, tourist cabin, motel or any other place in which rooms, lodgings or accommodations are furnished to transients for consideration.

(b) The judge shall require any person whose violation of this section involves a controlled substance listed in § 39-17-408(d)(2), to make restitution to the owner of the dwelling or place of public lodging or any governmental entity,

whichever is appropriate, for the costs reasonably incurred in cleaning the area in which the offense occurred and in rendering such area safe for human use.

(c)

(1) All assets and other property of any person violating this section shall be subject to seizure, confiscation and forfeiture as provided in and using the procedures set out in § 53-11-451 and Tennessee Code Annotated, title 39, chapter 11, part 7.

(2) Notwithstanding the provisions of §§ 53-11-204, 39-11-713 or 39-17-420, the proceeds from any property forfeited pursuant to this section shall be transmitted to the owner of the dwelling or lodging to reimburse such owner for any cost of cleaning and restoring the property that is not covered by the restitution required in subsection (b) of this section and for the owner's lost rental revenue that occurred while the property was uninhabitable or a crime scene.

(d) A violation of this section is a Class D felony, punishable by fine only.

Notwithstanding the provisions of § 40-35-111, the judge may impose a fine for such offense of up to fifty thousand dollars (\$50,000).

SECTION 2. This act shall take effect July 1, 2005, the public welfare requiring it.